

**Notice of Allowability**

Application No.

10/090,316

Examiner

Richard A Rosenberger

Applicant(s)

BORDEN ET AL.

Art Unit

2877

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 9/10/2004.
2. ☒ The allowed claim(s) is/are 1-12,15-19 and 21-37.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>7/6/04; 9/10/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                      | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Claim 19 has been amended as follows:

Claim 19 (Currently amended) An apparatus for evaluating an annealed structure, said annealed structure comprising a partially transmissive electrically conductive layer, said layer comprising at least one silicide among a plurality of silicides, said apparatus having a first line to be coupled to an annealing apparatus and a second line to be coupled to a metal formation apparatus, said apparatus comprising:

a first source of a first beam of photons having a first power modulated at a frequency sufficiently low to ensure transfer of a majority of heat from a region of said layer ~~annealed structure~~ illuminated by said first beam by diffusion;

a second source of a second beam of photons having a second power sufficiently low to ensure that an instantaneous temperature in said region is approximately equal to another temperature obtained in said region by heating with an unmodulated beam having power of an instantaneous value of said first power; and

a photosensitive element located in a path of a portion of said second beam after reflection from said region, said portion being modulated at said frequency of modulation of said first beam; and

a computer coupled to said photosensitive element and programmed to determine if power of said portion of said second beam reflected by said region is at least greater than a predetermined power and if so the computer driving a signal active on the first line to the annealing apparatus or on the second line to the metal formation apparatus or both.

3. The changes to the claims bring into claim 19 limitations of claim 21 relating to the fact that the claimed annealed structure being evaluated is a partially

transmissive electrically conductive layer which comprises at least one silicide among a plurality of silicides.

4. The drawings filed 3/1/2002 are informal, many of the lines, legends and reference numerals are rough, pale, and obviously hand-drawn, and many are small enough to raise question as to their legible reproducibility in the printed patent. Formal drawings are required.

5. The following is an examiner's statement of reasons for allowance.

The art does not teach or suggest using such a technique to evaluate a layer which comprises at least one crystalline phase from among a plurality of crystalline phases of a compound of a material as in claim 1, nor a layer comprising at least one silicide among a plurality of silicides as in claim 21 and claim 19 as herein amended. See the remarks filed 10 September 2004, page 10, lines 4-21; although the remarks deal with claim 1, they explicitly bring in the silicide layer of claim 21, and now claim 19, in page 10, line 17.

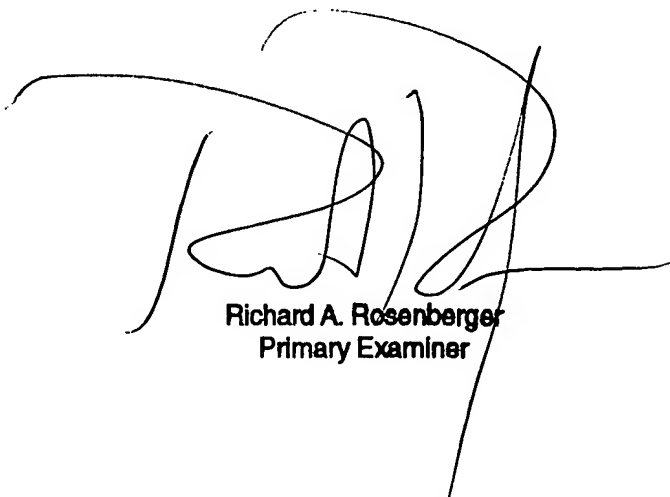
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard A Rosenberger whose telephone number is (571) 272-2428. The examiner can normally be reached on Monday through Friday during the hours of 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

R. A. Rosenberger  
24 November 2004



Richard A. Rosenberger  
Primary Examiner